SUBJECTS.

could, in the exercise of their discretion, protect the borrowers, as in British India, freedom of contract should be allowed as much in the matter of money-lending as in all other matters. He therefore earnestly prayed for the repeal of the two Regulations at an early date.

Dewan's reply.—The matter will be enquired into.

Necessity for legislation on the questions of inheritance and succession among Christians.

Mr. K. M. Mathula Mapilla (Member, Nominated) said that, though this subject had been brought before the Assembly on many previous occasions, the importance of the question and the unanimous request of the Travancore and Cochin Christian Association prompted him to bring it up once more. The large volume of litigation, due to the absence of a recognised system of inheritance, and the consequent waste of money which such litigation meant to the Christians, was the cause of the subject being repeatedly brought to the notice of the Government by many a Christian Member. The customs obtaining among the Christians in this matter varied, and they were often conflicting. The Syrian Christians were the most ancient community among the Christians in Travancore, and the uniformity of the customs among them had been disorganised by the progress of time and the growth of various sub-sects among them. But the diversity of the customs among the other Christian communities was far more complex than among the Syrians. The former being mostly converts from Hindus, their custom was a curious admixture of their original system of inheritance, with the practice of the particular sect of Christianity which they had joined, and that of the neighbouring Syrian Christians. The decisions of the Courts, often contradictory among themselves and contrary to usage and custom, made matters worse. But the judiciary could not also be blamed for this, for their decisions had to be based upon usage, which again depended upon the sort of oral evidence adduced; and it was very easy to adduce evidence in favour of any and every one of the numerous customs prevailing among the different sections of the Native Christians. The judges often found it difficult to decide between conflicting evidence brought to light by both the contending parties in a case. In support of his statement, the Member referred to the opinion of the High Court Judges who had stated in one of their decisions that legislation was necessary, as the community itself had no definite opinion as to what the custom was, nor was the evidence elicited clear on the point. The Member therefore requested the Government to appoint a Commission, composed of the leading men of the Christian community,

LIBRARY ARCHIVES Kerala Legislative Assembly

SUBJECTS.

to enquire into and report upon the usages and cu
prevalent among the community in the matter of in
ance and succession. He said that he knew th
religious leaders of the different sections, including B
Gill, had already addressed the Government on the s
and the Government need not therefore hesitate to
in the matter, seeing that the request of the whole
munity concerned was unanimously laid before them

The Very Revd. Eippa Thoma Kathanar (Me
Thiruvella Taluk) said that it was very necessary
a Bill should soon be introduced into the Legislative C
cil to regulate the succession and inheritance of
Syrian Christians of Travancore. The Syrian Chri
were landed ryots and in well-to-do condition. He
that the community would become impoverished with
years if a law were not passed. Disputes regarding in
tance and succession among the Christians came to n
first during the time Mr. Sadasivan Pillai was
Justice. He framed about 60 questions on the su
and sent them to the Metropolitan, and the replies
latter might probably be found among the ec
of the High Court. Cases of dispute that came u
Courts subsequently used to be decided in accor
with the spirit of the above replies. Since that
matters had been growing from bad to worse. W
Syrian Christian died leaving no issue, the question a
cropped up as to who was his heir, the widow o
brother of the deceased. Suits were inevitable, and
parties spent large sums of money in litigation. As re
the decisions of the Courts, they were conflicting and
ral could be found in favour of both sides. On
questioned by the Dewan, as to whether this uncert
was confined to the Syrian Christians only or whether it
ted in the case of all Christians, the Member said tha
majority of the suits was among the Syrians. Question
to whether the enquiry should be confined to the Syrian C
stians or whether it should be extended to other Chris
also, the Member said that his request was to have a la
all Christians. If the result of the enquiry, which sh
extend to all Christians, showed that opinion was div
then the proposed law might be confined to the S
Christians.

The Dewan then asked for the opinions of the Christian Members of the Assembly.

Revd. P. J. Joshua, B. A. (Member, Kunnathur Tal
said that it would be advisable to institute a Commissi

LIBRARY ARCHIVES Kerala Legislative Assembly

SUBJECTS.

of enquiry in regard to inheritance and succession among the Christians generally, that it was possible to have a Bill to regulate these matters, and that, so far as he was aware, there was a general feeling among the community that a law was necessary.

Mr. Varkey Kora (Member, Ettumanur Taluk) said that a law was necessary and that a Commission of enquiry might be instituted before proceeding to legislate. There was now a feeling of uncertainty regarding inheritance and consequent increase in litigation.

Mr. C. Mathan Mapilla (Member, Meenachil Taluk) said that, as there was no Regulation for the Courts to follow, there was a great deal of litigation among the Christians and that many families were thereby ruined. He requested that a Commission might be appointed to enquire about the succession and inheritance among the Christians. He added that, after ascertaining the nature of their rights, it would be well to have a legislative enactment to legalise the existing practice.

Mr. Vareethu Eippa (Member, Thodupuzha Taluk) said that a Bill was necessary and that an enquiry should be made into the matter.

Mr. Kora Varkey (Member, Kottayam Trading Classes) said that the Courts themselves experienced some difficulty in adjudicating cases of Syrian Christian succession and inheritance, with the result that the decisions were conflicting. The one defect, *viz*, uncertainty in the matter of inheritance and succession, was enough to ruin the community. Both the brother and the widow of the deceased were ruined by the time they went up to the High Court with their suits. He stated that the Government must go to the rescue and not hesitate to take action when the people themselves approached the Government with the request. He added that a Commission of enquiry should be instituted and that a law should be passed after the enquiry.

Mr. P. John (Member, Alleppey Trading Classes) said that he thought it highly necessary to enquire about the matter and that there was much litigation at present.

Mr. K. C. Mamman Mapilla, B.A. (Member, T. I. C., Kottayam) said that he too thought it highly necessary to appoint a Commission to enquire into the matter. He added that his desire was that the enquiry should apply to all Christians.

LIBRARY ARCHIVES Kerala Legislative Assembly

SUBJECTS.

Mr. D. Francis (Member, Nominated) said that an enquiry into the matter was necessary. He also stated that he had changed his original opinion on the subject, given at the last Assembly, as a result of several discussions he had since had with the Missionaries of South Travancore.

Mr. Manuel Pereira (Member, Nominated) said that there was no litigation about inheritance among the Roman Catholics and that his community did not want any enquiry into the matter.

Dewan's reply.—The matter will be considered.

25. *Exemption of Gosha women from appearance, as witnesses, before the Criminal Courts.*

Mr. Kochu Hassan Kunju (Member, Nominated) said that, unlike the practice in the Civil Courts, there was no provision for exempting Gosha women from appearing as witnesses in the Criminal Courts. This led to great hardship as ladies of respectable families were often cited as witnesses in Criminal cases by unscrupulous litigants. Such families, in many cases, sought to buy off the persons citing their women as witnesses by the payment of bribes. The Member therefore requested that, when Gosha women were cited as witnesses in unavoidable cases, the parties applying for their examination should be asked to meet the cost involved in taking their statements at their residences. The Member requested that a Bill be introduced into the Legislative Council to secure this end, if there was already no provision in the law for the purpose.

Dewan's reply.—Under the existing law the Criminal Courts have the power to exempt Gosha ladies from personal appearance in individual cases. The representations of the Member will be communicated to the High Court and their attention drawn to the existing provisions in the law.

26. *Representations about the Court Fees Regulation Amendment Bill.*

Mr. Padmanabhan Parameswaren (Member, Pathanapuram Taluk) said that the current rates of court-fees in the State were much higher than the rates obtaining in British India and that the new Bill had provided for an increase of 50 per cent over the existing rates. He thought that this increase was neither necessary nor justifiable. He said that he was told that the same view was held by the Select Committee of the Legislative Council and that the Bill might probably be amended accordingly. The Member therefore said that he did not want to dwell upon the subject at length.

Dewan's reply.—Noted.

LIBRARY ARCHIVES Kerala Legislative Assembly